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7 (Formerly CONNECTU, LLC)

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

12 THE FACEBOOK, INC. and MARK  
13 ZUCKERBERG,

14 Plaintiffs,

15 v.

16 CONNECTU, INC. (formerly known as  
17 CONNECTU, LLC) PACIFIC  
18 NORTHWEST SOFTWARE, INC.  
19 WINSTON WILLIAMS, and WAYNE  
20 CHANG,

21 Defendants.

Case No. 5:07-CV-01389-JW (MEJ)

**CONNECTU'S REQUEST FOR  
HEARING DATE RELATING TO  
PRODUCTION OF CONNECTU'S  
DOCUMENTS**

Chief Magistrate Judge Maria-Elena  
James (San Francisco Division)

1 ConnectU, Inc. (“ConnectU”) requests that this Court set a hearing date and briefing  
 2 schedule based on the following:

3 **Procedural History**

4 In January 2009 ConnectU filed a Motion to Disqualify Founders’ Counsel and for  
 5 Production of ConnectU’s Files. On September 2, 2009, the Honorable Judge James Ware  
 6 entered an Order Granting ConnectU’s Motion to Disqualify Counsel; Granting in Part and  
 7 Denying in Part Motion for Delivery of Client Files; Referring the Parties to Chief Magistrate  
 8 James for an *In Camera* Review of ConnectU’s Client Files. A true and correct copy of the  
 9 Court’s Order is attached as **Exhibit A** to the Declaration of Alison P. Buchanan, filed  
 10 simultaneously with this request. In its September 2, 2009 Order, the Court specifically found  
 11 that “the Founders and their attorneys cannot obstruct access to ConnectU’s general business  
 12 documents,” and that “ConnectU is entitled to all documents pertaining to ConnectU’s general  
 13 business, including but not limited to documents relating to ConnectU’s financials, assets, and  
 14 liabilities.” (Ex. A to the Decl. of A. Buchanan, 17:21-23, 18:1-2). The Court referred the parties  
 15 “to Chief Magistrate Judge James for further proceedings with respect to which documents should  
 16 be turned over to the current owners.” (Ex. A to the Decl. of A. Buchanan, 18:22; 19:1-2).

17 Following the Court’s September 2, 2009 Order, the Founders filed a Notice of Appeal  
 18 relating to the Court’s Order on or about September 14, 2009. A true and correct copy of the  
 19 Founders’ Notice of Appeal is attached as **Exhibit B** to the Declaration of Alison P. Buchanan,  
 20 filed simultaneously with this request.

21 On October 9, 2009, the Ninth Circuit issued an Order stating that the Ninth Circuit “may  
 22 lack jurisdiction over the appeal because orders disqualifying counsel are not immediately  
 23 appealable orders.” The Ninth Circuit held that “[w]ithin 21 days after the date of this order,  
 24 appellants shall move for voluntary dismissal of the appeal or show cause why it should not be  
 25 dismissed for lack of jurisdiction.” A true and correct copy of the Ninth Circuit’s October 9,  
 26 2009 Order is attached as **Exhibit C** to the Declaration of Alison P. Buchanan, filed  
 27 simultaneously with this request.

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## Request for Hearing and Briefing Schedule

Based on this Court's September 2, 2009 Order, ConnectU respectfully requests that the Court schedule a hearing date within forty-five days, at which time the Court can address any and all issues relating to the production of ConnectU's documents. ConnectU further respectfully requests that the Court set a briefing schedule in advance of the hearing so that the parties can address, in writing, their respective positions relating to the production of ConnectU's documents.

DATED: October 16, 2009

/s/  
Alison P. Buchanan  
HOGE, FENTON, JONES & APPEL, INC.  
Attorneys for ConnectU, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 16, 2009.

DATED: October 16, 2009

/s/  
Alison P. Buchanan  
HOGE, FENTON, JONES & APPEL, INC.  
Attorneys for ConnectU, Inc.